

Exhibit 1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Schneider, Marian
Sent: Thursday, April 14, 2016 5:33 PM
To: 'susan.carleson@theacru.org'
Cc: Kotula, Kathleen
Subject: Philadelphia County records request

Dear Ms. Carleson

We understand that the ACRU, under your signature, sent a letter to Philadelphia County seeking certain records under the National Voter Registration Act (NVRA). We were previously aware that an identical letter was sent to Philadelphia and five other counties from the Public Interest Legal Foundation. Our investigation reveals that ACRU and PILF are related entities. In fact, PILF states that ACRU is their client.

In an effort to reduce the burden on our counties, we recently provided the attached letters and responsive data relating to six counties to PILF in response to their letter (identical to your letter). I am providing copies to you, although I understand that you may have already received these documents from PILF, your lawyers.

Please let me know if you have any questions about the enclosed.

Very truly yours,

Marian K. Schneider

Marian K. Schneider | Deputy Secretary for Elections and Administration

Pennsylvania Department of State | Executive Office
302 North Office Building | 401 North Street
Harrisburg, PA 17120
Phone: 717.772.2172 | Fax: 717.787.1734
maschneide@pa.gov
www.dos.pa.gov<<http://www.dos.pa.gov/>>



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

April 12, 2016

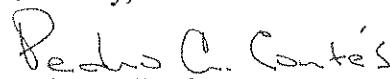
Ms. Shawna Powell, Secretary
Public Interest Legal Foundation
209 West Main Street
Plainfield, IN 46168

Dear Ms. Powell:

I am writing in response to your letters to six counties seeking various records relating to voter registration and list maintenance. In an effort to reduce the burden on individual counties, the Department of State voluntarily reviewed the records it retains and is providing the attached information in response to your requests for records. Our responses to your specific requests are detailed below.

- a) Please see the attached for certified voter registration records as of the close of registration for the November 2015 municipal election;
- b) The Department of State does not have any responsive records. Please see the letter we sent you dated April 12, 2016 that details information regarding citizenship status used in list maintenance;
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- d) Please see the attached records regarding the source of data regarding cancelled voters since 2014;
- e) Please see the attached records regarding the number of notices sent to voters since the 2014 EAC Report. The Department of State does not have records relating to the rest of this request;
- f) The Department of State does not have information regarding this request;
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- h) Please see attached records for number of registered voters in each county as of April 11, 2016;
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Sincerely,


Pedro A. Cortés
Secretary of State

SECRETARY OF THE COMMONWEALTH



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

April 12, 2016

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Public Interest Legal Foundation
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Dear Ms. Powell:

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The Department of State (Department) collaborates with the 67 county voter registration commissions in Pennsylvania to administer voter registration. We work diligently to assure appropriate measures designed to meet the requirements of the NVRA are in place and operating properly. The Department of State closely monitors county compliance with these list maintenance programs, and the Department is not aware of any counties who have failed to conduct reasonable list maintenance.

Pennsylvania law mandates that county election officers perform list maintenance activities at least once per year. These programs are designed to identify voters who have moved so that they can be removed from the voter registration rolls. The counties mail notices to voters who may have moved using information provided by the United States Postal Service through its National Change of Address (NCOA) program. In addition, counties mail notices to voters who have not voted or not appeared to vote for five years before the date of the notice. See 25 Pa. Cons. Stat. § 1901(b)(3).

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Under federal and state law, no voter registration may be canceled unless (1) the voter affirmatively requests that his or her registration be canceled; (2) the voter registration commission has proper proof the voter has died; or (3) after notice has been sent under section 8(d) of the NVRA and 25 Pa. Cons. Stat. § 1901(d), the voter does not vote or otherwise communicate with county election officials through two general (*i.e.*, even-numbered year) elections.

Ms. Shawna Powell, Secretary

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Through ERIC, Pennsylvania will receive reports regarding (1) voters who have moved within the state; (2) voters who have moved to another state; (3) voters with duplicate registrations; and (4) voters who have died. Counties will be expected to remove deceased voters and verify and remove duplicate registrations. Likewise, counties will be expected to contact voters who have moved either within or outside Pennsylvania.

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Ms. Shawna Powell, Secretary
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I trust that the information provided in this letter provides assurance that Pennsylvania counties are conducting reasonable list maintenance efforts and that the Department intends for ERIC to seamlessly merge with the Commonwealth's existing list maintenance programs. The Department is committed to achieving cleaner voter rolls by using tools that demonstrate a critical level of accuracy and a sound methodology.

Should you have any questions or require additional information please feel free to contact me.

Sincerely,



Pedro A. Cortés
Secretary of State

By email: Contact@publicinterestlegal.org

c: Marian K. Schneider, Deputy Secretary for Elections and Administration
Timothy E. Gates, Chief Counsel
Kathleen M. Kotula, Deputy Chief Counsel
Marisa Crispell, Luzerne County Bureau of Elections
Kelly Green, Montgomery County Bureau of Elections
Laureen Hagan, Delaware County Bureau of Elections
Mary Jo Headley, Delaware County Bureau of Elections
Dee Rumsey, Northampton County Bureau of Elections
Mark Wolosik, Allegheny County Bureau of Elections
Kristin Bray, Senior Attorney, Law Department, City of Philadelphia

VOTER REGISTRATION TOTALS SINCE 2014

County Name	Active Registration November 2015	Inactive Registration November 2015	Active Registration As of April 11, 2016	Inactive Registration As of April 11, 2016
ALLEGHENY	769361	84357	778535	97152
DELAWARE	346016	37565	349328	42994
LUZERNE	170277	20385	175740	18887
MONTGOMERY	492519	43520	497491	53169
NORTHAMPTON	177752	15530	176237	22604
PHILADELPHIA	896213	104441	928883	99419

CANCELLED RECORDS BY TYPE SINCE 2014

County Name	Cancel	CANCEL - 5 YEAR	CANCEL - CANVASS	CANCEL - CANVASS	CANCEL - Confirmed	CANCEL - Confirmed
		VOTER REMOVAL		NOT QUALIFIED	Registered Out of	Registered Out of
		PROGRAM			County	State
ALLEGHENY	1	1	0	0	3940	283
DELAWARE	17	0	1	0	2912	21
LUZERNE	1	2	25	0	977	13
MONTGOMERY	3	0	0	1	3993	16
NORTHAMPTON	4	2	0	0	1354	35
PHILADELPHIA	16	0	0	12	5895	60

CANCELLED RECORDS BY TYPE SINCE 2014

County Name	CANCEL -	CANCEL -	CANCEL -	CANCEL -	CANCEL -	CANCEL -
	DECEASED	DECEASED - Canvass	DECEASED - Confirmation Mailing	DECEASED - Letters of Testament	DECEASED - Obituary	DECEASED - Registrar of Wills
ALLEGHENY	34	10	291	330	1	0
DELAWARE	136	0	5	77	12	1568
LUZERNE	83	1	42	1	65	0
MONTGOMERY	33	0	32	13	1004	1884
NORTHAMPTON	22	0	63	6	4	3
PHILADELPHIA	14	238	106	28	3	1

CANCELLED RECORDS BY TYPE SINCE 2014

County Name	CANCEL - DEPT. OF	CANCEL -	CANCEL - INACTIVE	CANCEL - MENTAL	CANCEL - MOVED	CANCEL - MOVED	CANCEL - NOT	CANCEL - NOT
	HEALTH DEATH	DUPLICATE	STATUS FOR TWO					
	NOTIFICATION	REGISTRATION	FED GENERAL	INCOMPETENCE	OUT OF COUNTY	OUT OF STATE	A CITIZEN	QUALIFIED
			ELECTIONS					
ALLEGHENY	14951	2	30879	10	8809	2343	7	1
DELAWARE	4058	3	10162	0	6785	729	11	1
LUZERNE	3943	0	5	0	2138	243	1	1
MONTGOMERY	4808	1	0	1	11797	2031	25	0
NORTHAMPTON	2808	7	5479	1	3841	511	3	1
PHILADELPHIA	15420	199	49740	0	15711	427	27	44

CANCELLED RECORDS BY TYPE SINCE 2014

County Name	CANCEL - PENNDOT OUT OF COUNTY	CANCEL - REJECTED 10 DAY RULE	CANCEL - REQUEST BY VOTER	CANCEL - Voter Confirmed Moved Out of County	CANCEL - Voter Confirmed Moved Out Of County - AVN	CANCEL - Voter Confirmed Moved Out Of County - NCA	CANCEL - Voter Confirmed Moved Out Of County-5 YrN	CANCEL - VOTER RECLAIMED BY PREVIOUS COUNTY	Cancel - Confirmation Mailing
ALLEGHENY	0	0	230	19	389	450	1184	5	19
DELAWARE	0	0	66	24	289	158	169	5	4
LUZERNE	0	0	24	3	10	37	186	1	105
MONTGOMERY	3	2	337	20	680	500	338	3	3
NORTHAMPTON	0	0	16	6	0	50	91	2	13
PHILADELPHIA	0	0	375	15	414	1539	111	3	26

VOTER RECORDS IN FELONY ON-HOLD STATUS

County Name	ON HOLD - FELONY
ALLEGHENY	0
DELAWARE	0
LUZERNE	0
MONTGOMERY	1
NORTHAMPTON	0
PHILADELPHIA	0

LIST MAINTENANCE MAILINGS SENT

County Name	Notice of Change of Address	5-Year Notice	Mass Confirmation Mailing	Address Verification Notice
ALLEGHENY	20702	97378	0	14343
DELAWARE	8473	14536	0	11803
LUZERNE	3056	17235	0	2594
MONTGOMERY	11351	10659	0	8114
NORTHAMPTON	4392	9665	0	0
PHILADELPHIA	22897	18533	0	17360

Exhibit 2



CITY OF PHILADELPHIA

FREDERICK L. VOIGT, ESQ
DEPUTY COMMISSIONER

CITY COMMISSIONERS OFFICE
136 CITY HALL
PHILADELPHIA, PA 19107
(215) 686 - 3939
FAX (215) 686 - 3468
FRED.VOIGT@PHILA.GOV

April 18, 2016

Susan A. Carleson
President, American Civil Rights Union
3213 Duke Street, #625
Alexandria, VA 22314

Via Certified Mail and First Class U.S. Mail

Dear Ms. Carleson,

We are in receipt of your letter, dated January 26, 2016 and copying the Pennsylvania Department of State ("January 26, 2016 letter"), which appears to seek information under the National Voter Registration Act. We understand that another letter, identical to the January 26, 2016 letter sent to us, was also sent to five (5) other counties in Pennsylvania under the signature of your legal representative, the Public Interest Law Foundation. We further understand that the Department of State has responded to you and the Public Interest Law Foundation on behalf of us and the other five counties so as to reduce the burden of responding on the targeted individual counties. A copy of the Department of State's response is attached as Exhibit A to this letter.

As you are aware, the Department of State "collaborates with the 67 county voter registration commissions in Pennsylvania [inclusive of the Philadelphia City Commissioners] to administer voter registration" (Exhibit A). Accordingly, to the extent that the Philadelphia City Commissioners maintain records discussed in your January 26, 2016 letter, those records are largely duplicative of the records already provided to you by the Pennsylvania Department of State. Nevertheless, so as to respond to the specific data points identified in your letter, the Philadelphia City Commissioners state as follows:

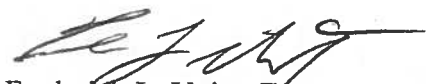
- a) The Philadelphia City Commissioners' records duplicate those maintained by and provided to you by the Pennsylvania Department of State;
- b) The Philadelphia City Commissioners have no such records. Please also see the letter provided to you by the Pennsylvania Department of State (Exhibit A);

- c) The Philadelphia City Commissioners' records duplicate those maintained by and provided to you by the Pennsylvania Department of State;
- d) Please see the Pennsylvania Department of State's response (Exhibit A) which is incorporated herein as if set forth at length;
- e) The Philadelphia City Commissioners' records largely duplicate those maintained by and provided to you by the Pennsylvania Department of State. In addition to those duplicative records (which are already in your possession), with this letter, attached as Exhibit B, we have also enclosed a sample of a postcard that was mailed by the City Commissioners on April 15, 2016 to every registered voter. As you can see from Exhibit B, those postcards included information that notified registered voters of the location of their polling place and the date of the upcoming primary election;
- f) This information is not required to be provided pursuant to the National Voter Registration Act;
- g) The Philadelphia City Commissioners' records duplicate those maintained by and provided to you by the Pennsylvania Department of State;
- h) The Philadelphia City Commissioners' records duplicate those maintained by and provided to you by the Pennsylvania Department of State;
- i) Please see the Pennsylvania Department of State's response (Exhibit A) which is incorporated herein as if set forth at length. The Philadelphia City Commissioners, like the Pennsylvania Department of State, do not maintain any such records;
- j) Please see the Pennsylvania Department of State's response (Exhibit A) which is incorporated herein as if set forth at length. The Philadelphia City Commissioners, like the Pennsylvania Department of State, do not maintain any such records.

Further, to the extent that you are seeking an in-person appointment to review the Philadelphia City Commissioners' records, you may do so by contacting Frederick L. Voigt, Deputy Commissioner, at (215) 686-3939.

Finally, your letter contains a number of unfounded and unsupported accusations regarding the Philadelphia City Commissioners' compliance with the National Voter Registration Act. We strongly deny each and every one of the meritless accusations contained in your letter. The Philadelphia City Commissioners take their obligations under state and federal election laws very seriously. Accordingly, it is our belief that we are in full compliance with the National Voter Registration Act, amongst the many other laws to which we are subject.

Sincerely,



Frederick L. Voigt, Esq.
Deputy Commissioner
Philadelphia City Commissioners

Exhibit A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Schneider, Marian
Sent: Thursday, April 14, 2016 5:33 PM
To: 'susan.carleson@theacru.org'
Cc: Kotula, Kathleen
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A handwritten signature in dark ink that reads "Pedro A. Cortés".
Pedro A. Cortés
Secretary of State

SECRETARY OF THE COMMONWEALTH



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Mark Wolosik, Allegheny County Bureau of Elections
Kristin Bray, Senior Attorney, Law Department, City of Philadelphia

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County Name	CANCEL -	CANCEL -	CANCEL -	CANCEL -	CANCEL -	CANCEL -
	DECEASED	DECEASED - Canvass	DECEASED - Confirmation Mailing	DECEASED - Letters of Testament	DECEASED - Obituary	DECEASED - Registrar of Wills
ALLEGHENY	34	10	291	330	1	0
DELAWARE	136	0	5	77	12	1568
LUZERNE	83	1	42	1	65	0
MONTGOMERY	33	0	32	13	1004	1884
NORTHAMPTON	22	0	63	6	4	3
PHILADELPHIA	14	238	106	28	3	1

CANCELLED RECORDS BY TYPE SINCE 2014

County Name	CANCEL - DEPT. OF	CANCEL -	CANCEL - INACTIVE	CANCEL - MENTAL	CANCEL - MOVED	CANCEL - MOVED	CANCEL - NOT	CANCEL - NOT
	HEALTH DEATH	DUPLICATE	STATUS FOR TWO					
	NOTIFICATION	REGISTRATION	FED GENERAL	INCOMPETENCE	OUT OF COUNTY	OUT OF STATE	A CITIZEN	QUALIFIED
			ELECTIONS					
ALLEGHENY	14951	2	30879	10	8809	2343	7	1
DELAWARE	4058	3	10162	0	6785	729	11	1
LUZERNE	3943	0	5	0	2138	243	1	1
MONTGOMERY	4808	1	0	1	11797	2031	25	0
NORTHAMPTON	2808	7	5479	1	3841	511	3	1
PHILADELPHIA	15420	199	49740	0	15711	427	27	44

CANCELLED RECORDS BY TYPE SINCE 2014

County Name	CANCEL - PENNDOT OUT OF COUNTY	CANCEL - REJECTED 10 DAY RULE	CANCEL - REQUEST BY VOTER	CANCEL - Voter Confirmed Moved Out of County	CANCEL - Voter Confirmed Moved Out Of County - AVN	CANCEL - Voter Confirmed Moved Out Of County - NCA	CANCEL - Voter Confirmed Moved Out Of County-5 YrN	CANCEL - VOTER RECLAIMED BY PREVIOUS COUNTY	Cancel - Confirmation Mailing
ALLEGHENY	0	0	230	19	389	450	1184	5	19
DELAWARE	0	0	66	24	289	158	169	5	4
LUZERNE	0	0	24	3	10	37	186	1	105
MONTGOMERY	3	2	337	20	680	500	338	3	3
NORTHAMPTON	0	0	16	6	0	50	91	2	13
PHILADELPHIA	0	0	375	15	414	1539	111	3	26

VOTER RECORDS IN FELONY ON-HOLD STATUS

County Name	ON HOLD - FELONY
ALLEGHENY	0
DELAWARE	0
LUZERNE	0
MONTGOMERY	1
NORTHAMPTON	0
PHILADELPHIA	0

LIST MAINTENANCE MAILINGS SENT

County Name	Notice of Change of Address	5-Year Notice	Mass Confirmation Mailing	Address Verification Notice
ALLEGHENY	20702	97378	0	14343
DELAWARE	8473	14536	0	11803
LUZERNE	3056	17235	0	2594
MONTGOMERY	11351	10659	0	8114
NORTHAMPTON	4392	9665	0	0
PHILADELPHIA	22897	18533	0	17360

Exhibit B

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Voter Registration Office
520 N. Columbus Blvd.
Philadelphia PA 19123



PHOTO
FIRST-CLASS MAIL
U.S. POSTAGE PAID
TRENTON NJ
Permit No. 947

***** ALL FOR AADC 190

[REDACTED]

[REDACTED]

PHILADELPHIA PA [REDACTED]



The General Primary Election is Tuesday, April 26, 2016
Polls are open from 7:00 AM until 8:00 PM

Ward 02, Division 14

The Polling Place where you must vote is located at:

ACTIVITIES CTR @ THE TOWER

1021 S 04TH ST

BUILDING FULLY ACCESSIBLE \ LOADING ZONE

*In the case of an emergency, your polling place location is subject to change.

Updated polling place information, sample ballots, and other election information can be found at www.PhiladelphiaVotes.com

La Elección Primaria General es martes 26 de abril 2016

Las urnas están abiertas de 7:00 am hasta las 8:00 pm

Barrio 02, División 14

El lugar de votación donde debe votar se encuentra en:

ACTIVITIES CTR @ THE TOWER

1021 S 04TH ST

EDIFICIO TOTALMENTE ACCESIBLE \ ZONA DE CARGA

* En el caso de una emergencia, su lugar de votación está sujeta a cambios.

La información actualizada del lugar de votación, papeletas de muestra, y otra información sobre las elecciones se pueden encontrar en www.PhiladelphiaVotes.com

Exhibit 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMERICAN CIVIL RIGHTS UNION

Plaintiff,

v.

PHILADELPHIA CITY COMMISSIONERS

Defendant.

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**Civil Action
No. 16-01507**

**AFFIDAVIT OF DEPUTY COMMISSIONER FREDERICK L. VOIGT, ESQ., DEPUTY
COMMISSIONER, PHILADELPHIA CITY COMMISSIONERS**

I, Frederick L. Voigt, Esq., state that I am a Deputy Commissioner in the Philadelphia City Commissioner's office (the "City") and am authorized to execute this affidavit. I state the following to the best of my knowledge, information and belief under penalty of perjury pursuant to 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities:

1. I have served as a Deputy Commissioner for the City for eight (8) years. I am familiar with various election law related issues, inclusive of the National Voter Registration Act ("NVRA"). I have served as an expert witness in the United States District Court for the Eastern District of Pennsylvania, have testified before the United State Congress, and have otherwise been recognized as an authority on election-related matters.

2. I serve as the designated Right-to-Know officer for the City Commissioners. In that capacity, I am always kept informed of any requests for records made by outside groups and/or members of the public.

3. I am familiar with and have reviewed the January 26, 2016 letter sent by the American Civil Rights Union ("ACRU") to the City.

4. At the time the City received the ACRU's January 26, 2016 letter, we expected the ACRU would call our office to request an appointment to review the approximately hundred thousands of records potentially implicated in the January 26, 2016 letter.

5. At no time did the ACRU actually call our office to make an appointment to review the records; had the ACRU done so, the City would have accommodated their request to the extent legally permissible.

6. I am also familiar with the Pennsylvania Department of State's April 12, 2016 responses made to the ACRU's January 26, 2016 letter.

7. As discussed in the Pennsylvania Department of State's April 12, 2016 letter, the City, just like every other county in the Commonwealth of Pennsylvania, is wholly reliant upon the Statewide Uniform Registration System ("SURE"), for all voter registration activities. SURE is in the custody and control of the Commonwealth of Pennsylvania, not the City. The City does not maintain voter registration records separate and apart from those records maintained by the Commonwealth of Pennsylvania through SURE.

8. I am also familiar with the City's April 18, 2016 response to the ACRU's January 26, 2016.


9. As indicated in the City's April 18, 2016 letter, any records that the City would have in its possession would be largely duplicative of the records already provided by the Commonwealth. To the extent that those records were potentially not duplicative, the City provided the ACRU with examples of the types of records the City maintains.

10. Additionally, as indicated in the City's April 18, 2016 letter, the City invited the ACRU to schedule an appointment to view any public records that the ACRU wished to review. The City offers the in-person review of the records because producing all of the records

potentially implicated by the ACRU's January 26, 2016 letter would be overly burdensome in terms of the personnel required to undertake the effort and the cost of reproduction to the City.

11. Despite the invitation embodied in my April 18, 2016 letter, to date, no one from the ACRU has attempted to make an appointment to review any documents in the City's possession. Since receiving the January 26, 2016 letter and the instant lawsuit, the City has had no other contact from the ACRU.

12. The City's invitation to the ACRU, to make an appointment to review records potentially implicated by the January 26, 2016 request, remains open.

By: 
Frederick L. Voigt, Esq.
Deputy Commissioner,
Philadelphia City Commissioners

Date: 4-28-16